S. 1086

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1774

At the request of Mr. CORNYN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

S. 1860

At the request of Mr. DOMENICI, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1860, a bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the names of the Senator from California (Mrs. BOXER) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2253

At the request of Mr. DOMENICI, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2302

At the request of Mr. LOTT, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2338

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2338, a bill to extend the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

S. 2362

At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2362, a bill to establish the National Commission on Surveillance Activities and the Rights of Americans.

S.J. RES. 28

At the request of Mr. STEVENS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S.J. Res. 28, a joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 359

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

S. RES. 383

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 383, a resolution calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection.

AMENDMENT NO. 2932

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 2932 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 2932 proposed to S. 2349, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 2385. A bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability; to the Committee on Armed Services.

Mr. REID. Mr. President, along with many of my colleagues, I have been fighting for sometime to end the ban on Concurrent Receipt, so disabled veterans can get the fair benefits they deserve. We have made some progress over the last few years, but as everyone knows, we still have work to do.

Let's remember what Concurrent Receipt is. It is an unfair and outdated policy that prevents disabled veterans from collecting both their military retirement pay and disability compensation. It requires a retired disabled veteran to deduct from his retirement pay, dollar for dollar, the amount of any disability compensation he receives.

Our veterans have given so much to our country. We owe it to them to get rid of this policy, and to make sure they get the full benefits they have earned and deserve.

I'm proud to say we have been able to chip away at this unfair practice in recent years.

In 2003, we passed my bill to allow—after a ten year waiting period—concurrent receipt for veterans with at least a 50 percent disability rating.

In 2004, I proposed legislation to eliminate that ten-year period and also to provide full concurrent receipt of military and disability pay to veterans with 100 percent service-related disability.

In November, 2005, we passed another amendment to expand concurrent receipt to cover America's most severely disabled veterans, and to implement the new policy immediately instead of phasing it in over a decade.

I was pleased with the passage of that amendment last year, but disappointed that the conference committee chose not to enact this valuable legislation for veterans rated as ''unemployable'' until 2009.

Today, concurrent receipt remains one of my highest priorities. We need to continue to chip away at this policy, and I am committed to that goal 100 percent.

With that in mind, today I am introducing the Combat-Related Special Compensation Act of 2006. This legislation will take care of soldiers who had hoped to make the military a career, but were discharged prematurely for an injury sustained in combat and forced to retire medically before attaining 20 years of service.

Right now, these soldiers receive combat-related disability benefits, but are not eligible to get retirement benefits because they cannot serve out the required 20 years. That is unfair, and this legislation will make sure they can get both.

This is the right thing to do. These veterans have been forced into retirement, and we need to take care of them.

I would note this legislation is especially important given the injuries we are seeing in Iraq. Improvised Explosive Devices have created numerous amputees and therefore, an increase in medically discharged veterans.

I have visited military hospitals on several occasions and have seen first hand the injuries sustained by military personnel. Many of the members have reached the 10, 12, 14-year marks of their military careers and have been forced to retire medically before the 20 year retirement norm. They'll get medical benefits, but they won't receive legitimate retirement compensation because they have been injured and are unable to serve until retirement, as they had planned.

That's wrong.

We shouldn't penalize veterans because they were injured serving their country. My legislation will fix this problem, and get them their prorated retirement pay, along with their disability pay.

Taking care of our veterans is the right thing to do. We must never forget the sacrifices they made to protect our freedom. Taking care of our veterans is also key to winning the war on terror. In our all-volunteer military, it is critical to attract and retain professional, dedicated soldiers.

These people serve because they love America. In turn, they expect that we will honor our commitments to provide health care and other primary benefits for them and their families.

By ending the ban on concurrent receipt, we have an opportunity to show our gratitude to our veterans. While our Nation is at war, there is no better honor we could bestow upon them than to pass this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Combat-Related Special Compensation Act of 2006''.

SEC. 2. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES.

(a) ELIGIBILITY.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking ''entitled to retired pay who—'' and all that follows and inserting ''who—

''(1) is entitled to retired pay (other than by reason of section 12731b of this title); and

''(2) has a combat-related disability.''.

(b) COMPUTATION.—Paragraph (3) of subsection (b) of such section is amended—

(1) by designating the text of that paragraph as subparagraph (A), realigning that text so as to be indented 4 ems from the left margin, and inserting before ''In the case of'' the following heading: ''IN GENERAL.—''; and

(2) by adding at the end the following new subparagraph:

''(B) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2006, and shall apply to payments for months beginning on or after that date.

By Mr. ALLEN (for himself, Mr. STEVENS, Mr. INOUYE, Mr. BURNS, Mr. WARNER, Mr. SANTORUM, Mr. DORGAN, Mr. NELSON of Florida, Mr. VITTER, Mr. PRYOR, Mr. COLEMAN, Mr. TALENT, Mr. MARTINEZ, and Mr. THUNE):

S. 2389. A bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, today I rise to introduce and present to my colleagues the Protecting Consumers Phone Records Act. I am pleased to be the lead sponsor of this legislation and I want to thank my colleagues, including Senators STEVENS and INOUYE, for working with me on this important issue.

In recent months, a number of Web sites have been selling consumers' confidential phone records to anyone willing to pay a small fee. According to experts, these records are usually obtained by unscrupulous individuals who fraudulently pose as customers requesting their own records. This common fraud is no less harmful, and in some cases even more disconcerting, than when a third-party uses false pretenses to obtain an innocent person's confidential financial records. In some cases, even physical harm can result from one's private phone records becoming public. We cannot allow these reprehensible practices to continue.

The goal of the Protecting Consumers Phone Records Act is to prevent the unauthorized and intrusive third party access of American consumers' phone records. Specifically, our legislation makes it illegal to solicit, acquire or sell a person's confidential phone records without that person's consent. It also specifically prohibits the practice commonly referred to as ''pretexting,'' where individuals obtain records by fraudulently misrepresenting that they have the authorization to obtain the records.

Fully combating this problem requires a team effort. That is why our legislation requires telephone companies to comply with minimum security requirements, similar to those required of financial institutions. Companies must do their part to protect their customers' records.

In order to deter this bad behavior, our legislation increases the penalties for violators. Should someone fraudulently solicit, obtain or sell an individual's phone records, they will be subject to an $11,000 penalty for each record, up to $11 million. Phone companies are subject to a $30,000 penalty, up to $3 million if they do not sufficiently protect their customers' phone records.

Finally, the Protecting Consumers Phone Records Act recognizes the importance of enforcement. The legislation provides the Federal Communications Commission, the Federal Trade Commission and State Attorneys General with strengthened enforcement authority. Additionally, telephone companies are given the authority to take legal action against those entities or individuals who have illegally acquired confidential phone records.

This legislation will send a clear message to the unscrupulous individuals profiting from the invasion of an innocent individual's privacy, that this fraudulent and deceptive behavior will not be tolerated. We are prepared to use all of the appropriate tools to eliminate this harmful practice.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting Consumer Phone Records Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Unauthorized acquisition, use, or sale of confidential customer proprietary network telephone information.
Sec. 3. Enhanced confidentiality procedures.
Sec. 4. Penalties; extension of confidentiality requirements to other entities.
Sec. 5. Enforcement by Federal Trade Commission.
Sec. 6. Concurrent enforcement by Federal Communications Commission.
Sec. 7. Enforcement by States.
Sec. 8. Preemption of State law.
Sec. 9. Consumer outreach and education.

SEC. 2. UNAUTHORIZED ACQUISITION, USE, OR SALE OF CONFIDENTIAL CUSTOMER PROPRIETARY NETWORK TELEPHONE INFORMATION.

(a) IN GENERAL.—It is unlawful for any person—

(1) to acquire or use the customer proprietary network information of another person without that person's affirmative written consent;

(2) to misrepresent that another person has consented to the acquisition or use of such other person's customer proprietary network information in order to acquire such information;

(3) to obtain unauthorized access to the data processing system or records of a telecommunications carrier or an IP-enabled voice service provider in order to acquire the customer proprietary network information of 1 or more other persons;

(4) to sell, or offer for sale, customer proprietary network information; or

(5) to request that another person obtain customer proprietary network information from a telecommunications carrier or IP-enabled voice service provider, knowing that the other person will obtain the information from such carrier or provider in any manner that is unlawful under subsection (a).

(b) EXCEPTIONS.—

(1) EXISTING PRACTICES PERMITTED.—Nothing in subsection (a) prohibits any practice permitted by section 222 of the Communications Act of 1934 (47 U.S.C. 222), or otherwise authorized by law, as of the date of enactment of this Act.

(2) CALLER ID.—Nothing in subsection (a) prohibits the use of caller identification services by any person to identify the originator of telephone calls received by that person.

(c) PRIVATE RIGHT OF ACTION FOR PROVIDERS.—

(1) IN GENERAL.—A telecommunications carrier or IP-enabled voice service provider may bring a civil action in an appropriate State court, or in any United States district court that meets applicable requirements relating to venue under section 1391 of title 28, United States Code—

(A) based on a violation of this section or the regulations prescribed under this section to enjoin such violation;

(B) to recover for actual monetary loss from such a violation, or to receive $11,000 in damages for each such violation, whichever is greater; or

(C) both.

(2) TREBLE DAMAGES.—If the court finds that the defendant willfully or knowingly violated this section or the regulations prescribed under this section, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under paragraph (1) of this subsection.

(3) INFLATION ADJUSTMENT.—The $11,000 amount in paragraph (1)(B) shall be adjusted for inflation as if it were a civil monetary penalty, as defined in section 3(2) of the Federal Civil Penalties Inflation Adjustment Act of 1996 (28 U.S.C. 2461 note).

(d) CIVIL PENALTY.—

(1) IN GENERAL.—Any person who violates this section shall be subject to a civil penalty of not more than $11,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $11,000,000 for any single act or failure to act.

(2) SEPARATE VIOLATIONS.—A violation of this section with respect to the customer proprietary network information of 1 person shall be treated as a separate violation from a violation with respect to the customer proprietary network information of any other person.

(e) LIMITATION.—Nothing in this Act or section 222 of the Communications Act of 1934 (47 U.S.C. 222) authorizes a subscriber to bring a civil action against a telecommunications carrier or an IP-enabled voice service provider.

(f) DEFINITIONS.—In this section:

(1) CUSTOMER PROPRIETARY NETWORK INFORMATION.—The term ''customer proprietary network information'' has the meaning given that term by section 222(i)(1) of the Communications Act of 1934 (47 U.S.C. 222(i)(1)).

(2) IP-ENABLED VOICE SERVICE.—The term ''IP-enabled voice service'' has the meaning given that term by section 222(i)(8) of the Communications Act of 1934 (47 U.S.C. 222(i)(8)).

(3) TELECOMMUNICATIONS CARRIER.—The term ''telecommunications carrier'' has the meaning given it by section 3(44) of the Communications Act of 1934 (47 U.S.C. 3(44)).

SEC. 3. ENHANCED CONFIDENTIALITY PROCEDURES.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Federal Communications Commission shall—

(1) revise or supplement its regulations, to the extent the Commission determines it is necessary, to require a telecommunications carrier or IP-enabled voice service provider—

(A) to ensure the security and confidentiality of customer proprietary network information (as defined in section 222(i)(1) of the Communications Act of 1934 (47 U.S.C. 222(i)(1))), and

(B) to protect such customer proprietary network information against threats or hazards to its security or confidentiality; and

(C) to protect customer proprietary network information from unauthorized access or use that could result in substantial harm or inconvenience to its customers, and

(2) ensure that any revised or supplemental regulations are similar in scope and structure to the Federal Trade Commission's regulations in part 314 of title 16, Code of Federal Regulations, taking into consideration the differences between financial information and customer proprietary network information.

(b) COMPLIANCE CERTIFICATION.—Each telecommunications carrier and IP-enabled voice service provider to which the regulations under subsection (a) and section 222 of the Communications Act of 1934 (47 U.S.C. 222) apply shall file with the Commission annually a certification that, for the period covered by the filing, it has been in compliance with those requirements.

SEC. 4. PENALTIES; EXTENSION OF CONFIDENTIALITY REQUIREMENTS TO OTHER ENTITIES.

(a) PENALTIES.—Title V of the Communications Act of 1934 (47 U.S.C. 501 et seq.) is amended by inserting after section 508 the following:

''SEC. 509. PENALTIES FOR CONFIDENTIAL CUSTOMER PROPRIETARY NETWORK INFORMATION VIOLATIONS.

''(a) CIVIL FORFEITURE.—

''(1) IN GENERAL.—Any telecommunications carrier or IP-enabled voice service provider that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated section 222 of this Act shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this subsection shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this subsection shall not exceed $30,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $3,000,000 for any single act or failure to act.

''(2) RECOVERY.—Any forfeiture penalty determined under paragraph (1) shall be recoverable pursuant to section 504(a) of this Act.

''(3) PROCEDURE.—No forfeiture liability shall be determined under paragraph (1) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4) of this Act.

''(4) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under paragraph (1) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice or apparent liability.

''(b) CRIMINAL FINE.—Any person who willfully and knowingly violates section 222 of this Act shall upon conviction thereof be fined not more than $30,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subsection does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.''.

(b) EXTENSION OF CONFIDENTIALITY REQUIREMENTS TO IP-ENABLED VOICE SERVICE PROVIDERS.—Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by inserting ''or IP-enabled voice service provider'' after ''telecommunications carrier'' each place it appears except in subsections (e) and (g);

(2) by inserting ''or IP-enabled voice service provider'' after ''exchange service'' in subsection (g);

(3) by striking ''telecommunication carriers'' each place it appears in subsection (a) and inserting ''telecommunications carriers or IP-enabled voice service providers'';

(4) by inserting ''or provider'' after ''carrier'' in subsection (d)(2), paragraphs (1)(A) and (B) and (3)(A) and (B) of subsection (i) (as redesignated),

(5) by inserting ''or providers'' after ''carriers'' in subsection (d)(2); and

(6) by inserting ''AND IP-ENABLED VOICE SERVICE PROVIDER'' after ''CARRIER'' in the caption of subsection (c).

(c) DEFINITION.—Section 222(h) of the Communications Act of 1934 (47 U.S.C. 222(h)) is amended by adding at the end the following:

''(8) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with interconnection capability such that the service can originate traffic to, or terminate traffic from, the public switched telephone network.''.

(d) TELECOMMUNICATIONS CARRIER AND IP-ENABLED VOICE SERVICE PROVIDER NOTIFICATION REQUIREMENT.—Section 222 of the Communications Act of 1934 (47 U.S.C. 222), is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

''(h) NOTICE OF VIOLATIONS.—The Commission shall by regulation require each telecommunications carrier or IP-enabled voice service provider to notify a customer within 14 calendar days of any incident of which such telecommunications carrier or IP-enabled voice service provider becomes or is made aware in which customer proprietary network information relating to such customer is disclosed to someone other than the customer in violation of this section or section 2 of the Protecting Consumer Phone Records Act.''.

SEC. 5. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) IN GENERAL.—Except as provided in sections 6 and 7 of this Act, section 2 of this Act shall be enforced by the Federal Trade Commission.

(b) VIOLATION TREATED AS AN UNFAIR OR DECEPTIVE ACT OR PRACTICE.—Violation of section 2 shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person that violates section 2 is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 6. CONCURRENT ENFORCEMENT BY FEDERAL COMMUNICATIONS COMMISSION.

(a) IN GENERAL.—The Federal Communications Commission shall have concurrent jurisdiction to enforce section 2.

(b) PENALTY; PROCEDURE.—For purposes of enforcement of that section by the Commission—

(1) a violation of section 2 of this Act is deemed to be a violation of a provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.) rather than a violation of the Federal Trade Commission Act; and

(2) the provisions of section 509(a)(2), (3), and (4) of the Communications Act of 1934 shall apply to the imposition and collection of the civil penalty imposed by section 2 of this Act as if it were the civil penalty imposed by section 509(a)(1) of that Act.

SEC. 7. ENFORCEMENT BY STATES.

(a) IN GENERAL.—The chief legal officer of a State may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce section 2 or to impose the civil penalties for violation of that section, whenever the chief legal officer of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this Act or a regulation under this Act.

(b) NOTICE.—The chief legal officer of a State shall serve written notice on the Federal Trade Commission and the Federal Communications Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), either Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the chief legal officer of a State from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—An action brought under subsection (a) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a)—

(A) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

(B) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If either Commission has instituted an enforcement action or proceeding for violation of section 2 of this Act, the chief legal officer of the State in which the violation occurred may not bring an action under this section during the pendency of the proceeding against any person with respect to whom the Commission has instituted the proceeding.

SEC. 8. PREEMPTION OF STATE LAW.

(a) PREEMPTION.—Section 2 and the regulations prescribed pursuant to section 3 of this Act and section 222 of the Communications Act of 1934 (47 U.S.C. 222) and the regulations prescribed thereunder preempt any—

(1) statute, regulation, or rule of any State or political subdivision thereof that requires a telecommunications carrier or provider of IP-enabled voice service to develop, implement, or maintain procedures for protecting the confidentiality of customer proprietary network information (as defined in section 222(i)(1) of the Communications Act of 1934 (47 U.S.C. 222(i)(1))) held by that telecommunications carrier or provider of IP-enabled voice service, or that restricts or regulates a carrier's or provider's ability to use, disclose, or permit access to such information; and

(2) any such statute, regulation, or rule, or judicial precedent of any State court under which liability is imposed on a telecommunications carrier or provider of IP-enabled voice service for failure to comply with any statute, regulation, or rule described in paragraph (1) or with the requirements of section 2 or the regulations prescribed pursuant to section 3 of this Act or with section 222 of the Communications Act of 1934 or the regulations prescribed thereunder.

(b) LIMITATION ON PREEMPTION.—This Act shall not be construed to preempt the applicability of—

(1) State laws that are not specific to the matters described in subsection (a), including State contract or tort law; or

(2) other State laws to the extent those laws relate to acts of fraud or computer crime.

SEC. 9. CONSUMER OUTREACH AND EDUCATION.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Federal Trade Commission and Federal Communications Commission shall jointly establish and implement a media and distribution campaign to teach the public about the protection afforded customer proprietary network information under this Act, the Federal Trade Commission Act and the Communications Act of 1934.

(b) CAMPAIGN REQUIREMENTS.—The campaign shall—

(1) promote understanding of—

(A) the problem concerning the theft and misuse of customer proprietary network information;

(B) available methods for consumers to protect their customer proprietary network information; and

(C) efforts undertaken by the Federal Trade Commission and the Federal Communications Commission to prevent the problem and seek redress where a breach of security involving customer proprietary network information has occurred; and

(2) explore various distribution platforms to accomplish the goal set forth in paragraph (1).

By Mr. NELSON of Florida:

S. 2391. A bill to improve the security of the United States borders and for other purposes; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise today to introduce a critically important bill for our national security and our immigration system. My bill is called the Border Operations Reform and Development of Electronic Remote Surveillance Act of 2006—otherwise known as the BORDERS Act. Getting control over our Nation's borders is an indispensable part of comprehensive immigration reform.

The Government of the United States has the obligation to protect its citizens and to provide for homeland security by having control of its international borders. Yet, as we all know, our borders with Mexico and Canada are broken. Recognizing the dangerous situation that this presents, the bipartisan 9/11 Commission strongly recommended that the United States get operational control of its borders.

Because our Government has not succeeded in adequately securing our borders, millions of undocumented aliens have crossed into our country without our Government's permission. Despite our best efforts to have an orderly system of immigration and to control who enters the United States, it's simply not working.

Comprehensive immigration reform demands that we find aggressive, practical, and cost-effective methods to quickly secure our borders. The BORDERS Act of 2006 does exactly that, building on recent reports by the Inspector General of the Department of Homeland Security, as well as the Government Accountability Office.

Let me briefly summarize the BORDERS Act of 2006 and explain why this bill is so important to our national security.

First, and most importantly, this bill requires the Department of Homeland Security to implement state-of-the-art surveillance technology programs to build an integrated ''virtual fence'' at our borders. These programs would use unmanned aerial vehicles—like the type already used by our military in combat zones—to monitor remote border locations.

These surveillance programs also would use a host of other technologies—like cameras, sensors, satellites, and radar—to patrol every inch of our United States borders. Right now, our Government has the capability to use these technologies and has tried to build a virtual fence. But the one major problem is that the current surveillance program uses components that are not fully integrated and automated.

For example, as the Inspector General of the Department of Homeland Security recently recommended, a virtual fence must use sensors that automatically activate a corresponding camera to focus itself on the direction of the triggered sensor. If someone if sneaking across our border and trips a sensor, I want the closest camera to automatically focus on the person sneaking in. And then I want the camera to send images to multiple border personnel at different locations, who can immediately dispatch the closest Border Patrol agents to capture the person. That's what my bill does: provides for an integrated, automated virtual fence that will allow our Border Patrol agents to apprehend anyone trying to sneak into the United States.

The BORDERS Act also requires the Department of Homeland Security to greatly increase its detention facilities. Right now, the border patrol is sometimes able to capture illegal aliens sneaking into the country, but we simply lack enough facilities to detain them. In some border areas, up to 90 percent of captured aliens are released, and only 10 percent of them show up for their immigration court hearing. Does that make sense?

If our Government cannot detain illegal aliens who are caught, we lose our

ability to make them report to their immigration proceedings. We never hear from them again. Thus, this bill instructs the Department of Homeland Security to increase its detention space by 20,000 beds for the next 5 years. The bill also instructs the Department to devise other ways to monitor illegal aliens who are captured, such as using ankle bracelets that can remotely track aliens.

Moreover, the BORDERS Act recognizes that our Government simply lacks the personnel manpower to effectively enforce our immigration laws and secure our borders. Therefore, the bill authorizes the addition of thousands of critical Federal jobs, ranging from Border Patrol agents to investigators to detention officers. And the bill requires that these personnel receive crucial training in matters like detecting fraudulent documents.

Another important section of this bill recognizes that in order for our detention mechanisms to function effectively, we need uniform detention standards. The BORDERS Act requires the Department of Homeland Security to implement standard operating rules so that costs are minimized and all detained aliens are treated fairly and humanely. I want to note that this bill contains a section specifically designed to ensure that detained alien children are treated properly while in U.S. custody. Children are the most vulnerable of illegal aliens, and especially when they are separated from their parents, we must ensure their safety.

Finally, the BORDERS Act of 2006 authorizes the Federal Government to reimburse States that incur the financial burden of detaining illegal aliens. It is unfair of us to expect the States to shoulder this huge cost by themselves.

Again, let me stress that border security is just one aspect of comprehensive immigration reform. I also will support legislation to address the status of undocumented aliens currently in the United States, if—and only if—such legislation is fair, humane, and recognizes the role that undocumented workers currently play in our nation's economy.

But border security is a policy area that should find wide agreement—across both parties. By setting up a cutting-edge, integrated ''virtual fence,'' and by building more detention centers, I believe that the United States can take a giant step forward in its quest to get control of our borders. In this post–9/11 world, our national security simply demands it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Border Operations Reform and Development of Electronic Remote Surveillance Act of 2006'' or as the ''BORDERS Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Surveillance technologies programs.
Sec. 5. Secure communication.
Sec. 6. Expansion of detention capacity.
Sec. 7. Detention standards.
Sec. 8. Personnel of the Department of Homeland Security.
Sec. 9. Personnel of the Department of Justice and other attorneys.
Sec. 10. State Criminal Alien Assistance Program authorization of appropriations.
Sec. 11. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
Sec. 12. Reimbursement of States for preconviction costs relating to the incarceration of illegal aliens.
Sec. 13. Criminal gang activity.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Government of the United States has the duty to protect its citizens and to provide for homeland security by securing its international borders.

(2) The Government of the United States has failed to adequately secure its international borders, which has facilitated the illegal entry of millions of undocumented aliens into the United States.

(3) Illegal immigration poses national security concerns, burdens all levels of Government with extra costs, including imposing hundreds of millions of dollars on States and localities in uncompensated expenses for law enforcement, health care, and other essential services, allows some aliens to gain access to the United States before other aliens who have lawfully waited in line, creates an underclass of workers, and facilitates human trafficking, smuggling, and document fraud.

(4) One critical aspect of comprehensive immigration reform is to find aggressive, practical, and cost-effective methods to quickly secure the international borders of the United States. As the bipartisan National Commission on Terrorist Attacks Upon the United States concluded, ''the United States must be able to monitor and respond to entrances between our borders''.

(5) The Government of the United States should make full use of integrated and automated surveillance technology, including the use of unmanned aerial vehicles, to create a ''virtual fence'' around the Nation, which could be constructed much more quickly than a physical fence. The Inspector General of the Department recently suggested numerous ways to use integrated surveillance technologies to achieve this critical security goal.

(6) The Government of the United States should also increase detention facilities to detain aliens who are apprehended sneaking into the United States, as opposed to catching and releasing such aliens and trusting that they will report for immigration proceedings.

(7) In order to reduce costs of detention and to facilitate the process of removing aliens from the United States fairly, the Secretary should establish uniform detention standards and rules.

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

(3) STATE.—Except as otherwise provided, the term ''State'' has the meaning given that term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(36)).

SEC. 4. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 1 year after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to

achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall set develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 5. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure 2-way communication capabilities, including the specific use of satellite communications—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations; and

(3) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 6. EXPANSION OF DETENTION CAPACITY.

(a) INCREASING DETENTION BED SPACE.—Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''8,000'' and inserting ''20,000''.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(c) SECURE ALTERNATIVES TO DETENTION TO ENSURE COMPLIANCE WITH THE LAW.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

(d) LEGAL REPRESENTATION.—No alien shall be detained by the Secretary in a location that limits the alien's reasonable access to visits and telephone calls by local legal counsel and necessary legal materials. Upon active or constructive notice that a detained alien is represented by an attorney, the Secretary shall ensure that the alien is not moved from the alien's detention facility without providing that alien and the alien's attorney reasonable notice in advance of such move.

(e) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7. DETENTION STANDARDS.

(a) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(b) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in subsection (a) shall—

(1) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(2) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(c) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 8. PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) CUSTOMS AND BORDER PROTECTION OFFICERS.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,500 the number of positions for full-time active duty officers of the Bureau of Customs and Border Protection of the Department for such fiscal year.

(b) BORDER PATROL AGENTS.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 4,000 the number of border patrol agents for such fiscal year.

(c) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''800'' and inserting ''1600''.

(d) DETENTION AND REMOVAL OFFICERS.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purposes, designate a Detention and Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that each detention facility compliance with the standards and regulations set forth in section 7.

(e) INVESTIGATIVE PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subsection (c), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for

such purpose, increase by not less than 200 the number of positions for investigative personnel within the Department to investigate alien smuggling and immigration status violations for such fiscal year.

(f) LEGAL PERSONNEL.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters for such fiscal year.

(g) DIRECTORATE OF POLICY.—The Secretary shall in consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Directorate of Policy that—

(1) shall be a position at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and the infirm; and

(3) require background and expertise working directly with such vulnerable populations.

(h) TRAINING.—The Secretary shall provide appropriate training for the agents, officers, inspectors, and associated support staff of the Department on an ongoing basis to utilize new technologies and techniques, to identify and detect fraudulent travel documents, and to ensure that the proficiency levels of such personnel are acceptable to protect the international borders of the United States. Training to detect fraudulent travel documents shall be developed in consultation with the Forensic Document Laboratory of Immigration and Customs Enforcement.

(i) ENHANCED PROTECTIONS FOR VULNERABLE UNACCOMPANIED ALIEN CHILDREN.—

(1) MANDATORY TRAINING.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) DELEGATION TO THE OFFICE OF REFUGEE RESETTLEMENT.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of such Office as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(3) OTHER POLICIES AND PROCEDURES.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children which exclude the use of fallible forensic testing of children's bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children's records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safe and secure repatriation of unaccompanied alien children to their home countries including through arranging placements of children with their families or other sponsoring agencies and to utilize all legal authorities to defer the child's removal if the child faces a clear risk of life-threatening harm upon return.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this section, including the hiring of necessary support staff.

SEC. 9. PERSONNEL OF THE DEPARTMENT OF JUSTICE AND OTHER ATTORNEYS.

(a) LITIGATION ATTORNEYS.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice for such fiscal year.

(b) UNITED STATES ATTORNEYS.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of United States Attorneys to litigate immigration cases in the Federal courts for such fiscal year.

(c) UNITED STATES MARSHALS.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of Deputy United States Marshals to investigate criminal immigration matters.

(d) IMMIGRATION JUDGES.—During each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of immigration judges for such fiscal year.

(e) DEFENSE ATTORNEYS.—During each of the fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of attorneys in the Federal Defenders Program for such fiscal year. The Attorney General shall also take all necessary and reasonable steps to ensure that alien detainees receive appropriate pro bono representation in immigration matters.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section, including the hiring of necessary support staff.

SEC. 10. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM AUTHORIZATION OF APPROPRIATIONS.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection $950,000,000 for each of the fiscal years 2007 through 2011.

''(B) LIMITATION ON USE OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

SEC. 11. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking ''for the costs'' and inserting the following: ''for—

''(1) the costs''; and

(B) by striking ''such State.'' and inserting the following: ''such State; and

''(2) the indirect costs related to the imprisonment described in paragraph (1).''; and

(2) by striking subsections (d) through (e) and inserting the following:

''(d) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

''(1) shares a border with Mexico or Canada; or

''(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

''(e) DEFINITIONS.—As used in this section:

''(1) INDIRECT COSTS.—The term 'indirect costs' includes—

''(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

''(B) indigent defense costs; and

''(C) unsupervised probation costs.

''(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.''.

SEC. 12. REIMBURSEMENT OF STATES FOR PRECONVICTION COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(a)) is amended by inserting ''charged with or'' before ''convicted.''

SEC. 13. CRIMINAL GANG ACTIVITY.

Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(J) CRIMINAL GANG ACTIVITY.—

''(i) IN GENERAL.—Any alien who a consular officer or the Attorney General knows, or has reasonable grounds to believe, seeks to enter the United States to engage, solely, principally, or incidentally in a criminal street gang located in the United States is inadmissible.

''(ii) DEFINITION.—In this subparagraph, the term 'criminal street gang' means an ongoing group, club, organization, or association of 5 or more individuals that commits a violation of Federal or State law that is punishable by imprisonment of 1 year or more.''.

By Mrs. BOXER:

S. 2392. A bill to promote the empowerment of women in Afghanistan; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, I am pleased to introduce legislation today—as we celebrate international Women's Day—to strengthen and empower the women and girls of Afghanistan.

International Women's Day is an event celebrated world-wide to inspire women to achieve their full potential. But in so many places around the world, women continue to suffer from persecution and abuse, and many lack resources to become fully integrated

and equal members of society. Despite international intervention, Afghanistan is one such example. More than four years after the invasion of Afghanistan and the fall of the Taliban government, the women of Afghanistan still face significant hurdles as they seek to realize their full potential.

The maternal death rate for Afghan women remains tragically high—with an estimated 1,600 deaths for every 100,000 live births. The illiteracy rate for women continues to hover around 80 percent.

And perhaps most troubling, the security situation for women is getting worse—threatening to slow or even reverse the gains that Afghan women have made over the past four years.

Lieutenant General Michael D. Maples, director of the Defense Intelligence Agency, recently testified that violence by the Taliban and other insurgents in Afghanistan in 2005 increased by 20 percent 2004 levels, specifically noting that the insurgency in Afghanistan ''appears emboldened.''

Women and girls have felt the impact particularly hard. In recent months, attacks against schools in Afghanistan that educate girls have increased substantially. According to media reports, teachers and principals are being threatened and killed—the headmaster at a coed school was even beheaded in January—and eight schools have been burned in the Kandahar province during the current school year alone.

Just today, the President of Afghanistan, Hamid Karzai admitted that Afghan women and girls have much to overcome. ''We have achieved successes in various dimensions during the past four years,'' Karzai said. ''But this journey has not ended . . . women especially are being oppressed, there are still women and young girls who are being married to settle disputes in Afghanistan, young girls are married against their will.''

The legislation I am introducing today, the Afghan Women Empowerment Act of 2006, will provide resources where they are needed most in Afghanistan—to Afghan women-led nongovernmental organizations, empowering those who will continue to provide for the needs of the Afghan people long after the international community has left.

The legislation will provide $30 million to these women-led NGOs to specifically focus on providing direct services to Afghan women such as adult literacy education, technical and vocational training, and health care services, including mental health treatment. It also provides assistance to especially vulnerable populations, including widows and orphans.

In addition, the Afghan Women Empowerment Act authorizes the President to appropriate $5 million to the Afghan Ministry of Women's Affairs and $10 million to the Afghan Independent Human Rights Commission—two vitally important entities dedicated to advancing the cause of women and human rights within Afghanistan.

I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 392—DESIGNATING MARCH 8, 2006, AS ''INTERNATIONAL WOMEN'S DAY''

Mr. LUGAR submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 392

Whereas there continues to be discrimination against women and women are still denied full political and economic equality;

Whereas discrimination is often the basis for violating the basic human rights of women;

Whereas, worldwide, the lives and health of women and girls are endangered by violence that is directed at women and girls simply because they are female;

Whereas women bear a disproportionate burden of the poverty in the world and constitute an estimated 75 percent of the world's poor;

Whereas, of the estimated 600,000 to 800,000 people trafficked across international borders each year for forced labor, domestic servitude, and sexual exploitation, 80 percent of the victims are women and girls;

Whereas violence against women is one of the most widespread violations of human rights and it is estimated that 1 in 3 women will suffer some form of violence;

Whereas the majority of the estimated 121,000,000 children in the world who are denied a primary education are girls;

Whereas two-thirds of the estimated 875,000,000 illiterate adults in the world are women;

Whereas, worldwide, women now account for half of all HIV and AIDS cases, and in sub-Saharan Africa, young girls ages 15 to 24 are 3 times more likely to be infected with HIV than young men;

Whereas gender inequality and sexual violence are significant factors causing the rapid spread of HIV/AIDS among women and girls;

Whereas HIV/AIDS is having a devastating effect on women in the United States, and it is the leading cause of death among African American women ages 25 to 34;

Whereas two-thirds of the estimated 19,200,000 refugees in the world are women and children;

Whereas, in armed conflict, women are targets of rape when it is used as a tactic of war to humiliate the enemy and terrorize the population;

Whereas it is estimated that 515,000 women die every year as a result of pregnancy and childbirth, and more than 99 percent of these deaths occur in the developing world;

Whereas countries should take steps to ensure the full participation and representation of women in political processes, conflict prevention, and peacekeeping efforts;

Whereas, over the last century, March 8 has become known as ''International Women's Day'', a day on which people come together to recognize the accomplishments of women and to reaffirm their commitment to continue the struggle for equality, justice, and peace; and

Whereas the people of the United States should be encouraged to participate in International Women's Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 8, 2006, as ''International Women's Day'';

(2) reaffirms its commitment to—

(A) end discrimination and increase the participation of women in decision-making positions in government and in the private sector;

(B) end and prevent violence against women;

(C) pursue policies that guarantee the basic rights of women both in the United States and around the world;

(D) improve access to quality health care for women;

(E) protect the human rights of women and girls during and after conflict and to support the integration of gender perspectives in peacekeeping missions and post conflict processes; and

(F) end the trafficking of women and girls; and

(3) encourages the people of the United States to observe International Women's Day with appropriate programs and activities.

Mr. LUGAR. Mr. President, I rise to submit a resolution declaring today International Women's Day 2006.

International Women's Day is a day on which we celebrate the progress of women and rededicate ourselves to overcoming the inequities that they face around the globe. Almost one hundred years ago, when the first International Women's Day was celebrated, women in this country and in Europe were fighting for the right to vote and to participate fully in the political process.

Today, nearly one hundred years later, we can celebrate the fact that, in the United States and Europe, many of these barriers have been broken down, and that women now not only vote, but participate in our government at its highest levels. In the past year, we have seen historic elections in Afghanistan and Iraq, where women were voters and candidates. In Kuwait, women are now able to vote and run for parliament. Voters in Liberia have elected the first female head of state in Africa, Ellen Johnson-Sirleaf, and Chile is just days away from the inauguration of Michele Bachelet, the country's first female president.

Despite these accomplishments, in many places around the world, women are still fighting for their basic rights. Often, especially in developing countries, women and girls lack full political, academic, and economic equality. Two-thirds of the estimated 875 million illiterate adults in the world are women. Girls frequently continue to be denied access to primary education, and constitute the majority of the estimated 121 million children around the globe who do not attend school.

The lives and health of women and girls continue to be particularly vulnerable to violence. Women are trafficked across international borders for forced labor, domestic servitude, and sexual exploitation. In armed conflict situations and other humanitarian emergencies, women and children risk a range of abuses including sexual exploitation, trafficking and gender-based violence.

The HIV/AIDS crisis is particularly devastating to women and girls. Women now account for one-half of all